

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
THE IT GROUP, INC., et al) Case No 02-10118 (MFW)
Debtors,) Jointly Administered
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IT LITIGATION TRUST,)
Plaintiff,) Civ A. No 04-CV-1268 (KAJ)
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v)
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DANIEL A. D'ANIELLO, FRANCIS J.)
HARVEY, JAMES C. McGILL,)
RICHARD W. POGUE, PHILLIP B.)
DOLAN, E. MARTIN GIBSON, ROBERT)
F. PUGLIESE, CHARLES W. SCHMIDT,)
JAMES DAVID WATKINS, ANTHONY)
J. DeLUCA, HARRY J. SOOSE, THE)
CARLYLE GROUP, THE CARLYLE)
GROUP, L L C., CARLYLE PARTNERS) JURY TRIAL DEMANDED
II, L P., CARLYLE SBC PARTNERS, II,)
L P., CARLYLE INTERNATIONAL)
PARTNERS II, L P., CARLYLE)
INTERNATIONAL PARTNERS III, C/S)
INTERNATIONAL PARTNERS,)
CARLYLE INVESTMENT GROUP, L P.,)
CARLYLE-IT INTERNATIONAL)
PARTNERS, L P., CARLYLE-IT)
INTERNATIONAL PARTNERS II, L P.,)
CARLYLE-IT PARTNERS L P., and T C)
GROUP, L L C.,)
Defendants)

**DEFENDANTS' JOINT MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Daniel A D'Aniello, Francis J Harvey, James C McGill, Richard W Pogue, Phillip B Dolan, E Martin Gibson, Robert F Pugliese, Charles W Schmidt, James David Watkins, Anthony J DeLuca, Harry J Soose, Jr., The Carlyle Group, The Carlyle Group L L C, Carlyle Partners II, L P., Carlyle SBC Partners II, L P., Carlyle International Partners II, L P.,

Carlyle International Partners, III, C/S International Partners, Carlyle Investment Group, L.P., Carlyle-IT International Partners, LP, Carlyle-IT International Partners, II, L.P., Carlyle-IT Partners L.P., and T.C. Group, L.L.C. (collectively, "Defendants"), by and through their respective undersigned counsel, hereby move this Court to dismiss the First Amended Complaint filed on January 28, 2005 against Defendants as set forth in the Amended Complaint at Civil Action No. 04-1268 in the United States District Court for the District of Delaware for all of the reasons set forth in the supporting Brief.

Dated: March 2, 2005
Wilmington, Delaware

Respectfully submitted,

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/s/

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